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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/511,534	10/15/2004	Joachim Eichhorn	05579-00333-US	4392

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EXAMINER

POWERS, FIONA

ART UNIT	PAPER NUMBER
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1626

DATE MAILED: 03/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/511,534

Applicant(s)

EICHHORN, JOACHIM

Examiner

Fiona T. Powers

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 and 11-15 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-9 and 11-15 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 10/15/04.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

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Receipt is acknowledged of the preliminary amendment and information disclosure statement filed October 15, 2004, which have been entered in the file.

Claims 2, 4, 5 and 12 to 15 are objected to because of the following informalities: in claim 2, the phrase "Z is as defined above" should be replaced by -Z is as defined in claim 1- since Z is not defined above in the claim. In claims 4, 5 and 12 to 14 the phrase "characterized in that" should be replaced by -wherein-. In claim 4, in the definition of R⁷ and R⁸ a comma should be inserted between "hydrogen" and "methyl". Appropriate correction is required. In claim 15, the period in the middle of the claim after "material" should be deleted.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1 to 9 and 11 to 15 are is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The proviso in claim 1 refers to a fiber-reactive heterocyclic group of the general formula but the general formula is not set forth.

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Claim 8 refers to general formula (16) but it is not set forth.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1 to 8 and 11 to 15 are rejected under 35 U.S.C. 102(b) as being anticipated by Tzikas et al. (WO 00/06652), cited by applicant.

The reference discloses the claimed reactive dyes of the Formula (I) wherein M is hydrogen, R and R* are hydrogen, D¹ and D² are independently a group of the formula (1) where R¹ and R² are hydrogen or sulfo and X¹ is -SO₂-Z where Z is β -sulfatoethyl, or D¹ and D² are a group of the formula (3) where R⁵ and R⁶ are hydrogen or sulfo, R⁷ is hydrogen and Z² is a heterocyclic reactive radical or a group of the formula (5) where Q¹ is chlorine and Q² is a group of the formula (7) or (8) where W is phenylene, R⁸ is hydrogen, Z is β -sulfatoethyl, and R⁹ and R¹⁰ are selected from hydrogen and sulfoalkyl and the claimed process for dyeing or printing therewith. Note Examples 67 to 70, 73,

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74 and 83 to 85. The reference also discloses the claimed process for preparing the dyestuffs. Note pages 7 to 8.

Claims 1 to 7 and 11 to 15 are rejected under 35 U.S.C. 102(b) as being anticipated by Zamponi et al. (US 6011140), cited by applicant.

The reference discloses the claimed reactive dyes of the Formula (I) wherein M is hydrogen, R is sulfomethyl and R* is hydrogen, D¹ and D² are independently a group of the formula (1) where R¹ and R² are hydrogen or sulfo and X¹ is -SO₂-Z where Z is β -sulfatoethyl, or D¹ and D² are a group of the formula (3) where R⁵ and R⁶ are hydrogen or sulfo, R⁷ is hydrogen and Z² is a heterocyclic reactive radical or a group of the formula (5) where Q¹ is chlorine and Q² is a group of the formula (7) where W is phenylene and R⁸ is hydrogen and Z is β -sulfatoethyl or Q² is 3- or 4-(2-sulfatoethylsulfonyl)phenylamino and the claimed process for dyeing or printing therewith. Note Examples 28 to 30. Also disclosed is the claimed process for preparing the dyes. Note the procedure used in Example 27.

The references made of record and not relied upon show the state of the art.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Fiona T.

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Powers whose telephone number is 571-272-0702. The examiner can normally be reached on Monday - Friday 8:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph K. McKane can be reached on 571-272-0699. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Fiona T. Powers
Fiona T. Powers
Primary Examiner
Art Unit 1626

ftp
February 27, 2006